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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/383,551	08/26/1999	TAKUYA TAMATANI	06501/039001	6738

26161 7590 08/21/2003

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225 FRANKLIN ST  
BOSTON, MA 02110

EXAMINER

ROARK, JESSICA H

ART UNIT	PAPER NUMBER
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1644

DATE MAILED: 08/21/2003

42

Please find below and/or attached an Office communication concerning this application or proceeding.



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## Commissioner for Patents

Applicant's proposed amendment after final, filed 6/24/03 and received 8/8/03, is acknowledged and has been entered.

Claims 115-139 and 155-164 have been cancelled. Claims 1-36 have been cancelled previously.

Claims 37-114, 140-154 and 165-214 are pending and under consideration.

Applicant's amendment has obviated the rejections of record in Paper No. 40 under 35 USC 102(b) and 103(a). Applicant's provision of a Statement Under 37 CFR 1.78(C) establishing that the instant application and USSN 10/301,056 were owned or subject to an obligation of assignment to Japan Tobacco Inc. at the time the inventions disclosed and claimed in the respective applications were made, is acknowledged.

The provisional obviousness-type double patenting rejections set forth in Paper No. 40 are the only rejections remaining in the instant application. However, withdrawal of the provisional obviousness-type double patenting rejections as per MPEP 804.I.B. is held in abeyance in the instant application due to a potential interference.

All claims are allowable, subject to withdrawal of the provisional obviousness-type double patenting rejections of record. However, due to a potential interference, *ex parte* prosecution is SUSPENDED FOR A PERIOD OF 6 MONTHS from the date of this letter. Upon expiration of the period of suspension, applicant should make an inquiry as to the status of the application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica Roark, whose telephone number is (703) 605-1209. The examiner can normally be reached Monday to Friday from 8:00 to 4:30. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached at (703) 308-3973. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 1600 receptionist whose telephone number is (703) 308-0196.

Papers related to this application may be submitted to Technology Center 1600 by facsimile transmission. Papers should be faxed to Technology Center 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CM1 Fax Center number is 703 872-9306.

Jessica Roark, Ph.D.  
Patent Examiner  
Technology Center 1600  
August 18, 2003

PHILLIP GAMBEL  
PHILLIP GAMBEL, PH.D.  
PRIMARY EXAMINER  
TECH CENTER 1600  
8/18/03